

**Sacramento County Code****Up Previous Next Main Collapse Search Print No Frames**Title 2 ADMINISTRATION AND PERSONNEL**Chapter 2.115 CAMPAIGN REFORM****Article 1 General Provisions****2.115.100 Title.**

This chapter shall be known as the Sacramento County Election Reform Act of 1986. (SCC 683 § 1, 1987; SCC 672 § 1, 1986.)

**2.115.110 Findings.**

The people find and declare the following:

- a. Candidates are now frequently dependent on large contributions from wealthy individuals and interest groups for campaign finances. Individuals and interest groups who make large contributions frequently enjoy disproportionate access to public officials and influence in government decision making. Large contributions impede the solicitation or making of small contributions.
- b. Inherent in the high cost of election campaigning is the problem of improper influence, real or potential, exercised by campaign contributors over elected officials.
- c. It is the policy of this County to foster broad-based citizen involvement in financing election campaigns.
- d. It is the policy of this County to protect the integrity of the electoral process.
- e. The best interests of the citizens of this County are served by reducing the direct and indirect costs of campaigns. Substantial indirect costs accrue to the public when special interests pass on legislative and campaign related expenses thereby increasing the costs of goods and services to the public.
- f. Individuals have a right to expend their own personal resources without limitation to advance their own candidacy, pursuant to the guarantee of freedom of speech encompassed in the First Amendment of the United States Constitution, and the public has a right to ensure the fullest and most thorough discussion and debate of public issues during an election campaign by expending public funds to secure the widest possible dissemination of information from diverse and antagonistic sources to ensure an unfettered interchange of ideas. (SCC 683 § 1, 1987; SCC 672 § 1, 1986.)

**2.115.120 Purpose.**

The people also enact this chapter to accomplish the following purposes:

- a. To foster an orderly political forum in which individuals may express themselves effectively.
- b. To place realistic and enforceable limits on the amounts of money that may be contributed to political campaigns for elective County office.
- c. To secure the widest possible dissemination of information from diverse and antagonistic sources to ensure an unfettered interchange of ideas.
- d. To limit the use of loans and credit in the financing of political campaigns for elective County office. (SCC 683 § 1, 1987; SCC 672 § 1, 1986.)

**Article 2 Definitions**

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**2.115.200 Other Definitions.**

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Unless the term is specifically defined in this chapter or the contrary is stated or clearly appears from the context, the definitions set forth in the Political Reform Act of 1974 (Government Code Sections 81000 et seq.), and any administrative regulations adopted pursuant thereto, shall govern the interpretation of this chapter. (SCC 683 § 1, 1987; SCC 672 § 1, 1986.)

**2.115.205 Campaign Expenditure.**

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"Campaign Expenditure" means any expenditure, or transfer of anything of value to any person, by a candidate for a political purpose. Any expenditure from a campaign fund for County elective office shall be conclusively presumed to be a campaign expenditure for purposes of this chapter. (SCC 683 § 1, 1987; SCC 672 § 1, 1986.)

**2.115.210 Campaign Reform Fund.**

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"Campaign Reform Fund" means those funds in the Campaign Reform Budget Unit established pursuant to Article 6. (SCC 683 § 1, 1987; SCC 672 § 1, 1986.)

**2.115.215 Candidate.**

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"Candidate" means a candidate for County elective office, the candidate's campaign committee, committee(s) controlled by the candidate, agents of the candidate, and any person acting at the behest of a candidate.

An incumbent shall be presumed to be a candidate unless he or she files a written statement with the Registrar of Voters stating that he or she does not intend to be a candidate at the next election for his or her office. (SCC 683 § 1, 1987; SCC 672 § 1, 1986.)

**2.115.220 County Campaign Statement.**

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"County Campaign Statement" means the statement which must be filed with the Registrar of Voters by candidates for County elective office pursuant to this chapter. (SCC 683 § 1, 1987; SCC 672 § 1, 1986.)

**2.115.225 County Elective Office.**

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"County Elective Office" means the offices held by the members of the Board of Supervisors. (SCC 683 § 1, 1987; SCC 672 § 1, 1986.)

**2.115.230 Direct Campaign Expenditure.**

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"Direct Campaign Expenditure" means a campaign expenditure to pay for the printing of campaign literature, television, radio, newspaper and billboard advertising, and postage. Campaign literature shall include lawn signs, bumper stickers, buttons and similar items. "Direct campaign expenditure" shall not include production costs or consultant's fees but shall be limited to the cost of printing campaign literature and purchasing air time or advertising space. (SCC 683 § 1, 1987; SCC 672 § 1, 1986.)

**2.115.235 For a Political Purpose.**

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“For a Political Purpose” means an action by a candidate for the purpose of influencing, or attempting to influence, either directly or indirectly, the actions of the voters for or against the election of that candidate or any other candidate for the same County elective office. (SCC 683 § 1, 1987; SCC 672 § 1, 1986.)

**2.115.240 General Election Period.**

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“General Election Period” means from July 1 through December 31 of the year in which the election for a County elective office is held; except in the event that a candidate for County elective office receives a majority of votes cast in the primary election, the general election period shall be considered to be an off-election year for purposes of applicable contribution limitations. (SCC 1313 § 1, 2005; SCC 1182 § , 2001; SCC 683 § 1, 1987; SCC 672 § 1, 1986.)

**2.115.245 Indirect Campaign Expenditure.**

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“Indirect Campaign Expenditure” means any campaign expenditure, other than a direct campaign expenditure, that is authorized pursuant to Chapter 5 (commencing with Section 12400) of Division 9 of the Elections Code. (SCC 683 § 1, 1987; SCC 672 § 1, 1986.)

**2.115.250 Off-Election Year.**

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Except as otherwise provided by this Article, “Off-Election Year” means each of the three years during the term of a County elective office in which an election for that office is not held; except in the event that a candidate for County elective office receives a majority of votes cast in the primary election, the general election period shall be considered to be an off-election year for purposes of applicable contribution limitations. (SCC 1133 § 1, 1999; SCC 672 § 1, 1986; SCC 683 § 1, 1987.)

**2.115.255 Organization.**

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“Organization” means a proprietorship, labor union, firm, partnership, joint venture, syndicate, business trust, company, corporation, association or committee which has 25 or more employees, shareholders, contributors or members. (SCC 683 § 1, 1987; SCC 672 § 1, 1986.)

**2.115.260 Person.**

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“Person” means an individual or any proprietorship, labor union, firm, partnership, joint venture, syndicate, business trust, company, corporation, association or committee which does not constitute an organization pursuant to Section 2.115.255. (SCC 683 § 1, 1987.)

**2.115.265 Primary Election Period.**

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“Primary Election Period” means from January 1 through June 30 of the year in which the election for a county elective office is held. (SCC 1313 § 2, 2005; SCC 1133 § 2, 1999; SCC 683 § 1, 1987.)

**2.115.270 Special Election Period.**

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“Special Election Period” means from the time a County elective office has become vacant through the date

of the special election for that County elective office. (SCC 683 § 1, 1987.)

#### **2.115.275 Special Runoff Election Period.**

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“Special Runoff Election Period” means from the day after a special election for a County elective office through fifty-eight (58) days after the special runoff election for that office. (SCC 683 § 1, 1987.)

#### **2.115.280 State Campaign Statement.**

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“State Campaign Statement” means an itemized report which is prepared on a form prescribed by the Fair Political Practices Commission and which provides the information required by Chapter 4 of Title 9 of the Government Code. (SCC 683 § 1, 1987.)

### **Article 3 Contribution Limitations**

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#### **2.115.300 Contribution Limitations for Persons Other Than Organizations.**

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a. No person shall make to any candidate, and no such candidate shall accept from any person, a contribution or contributions totaling more than \$250 in any single off-election year or \$500 in any of the following periods:

1. In any primary election period;
2. In any general election period;
3. In any special election period; or
4. In any special runoff election period.

b. To the extent that a candidate receives a contribution in excess of the limit imposed in subsection (a), such candidate shall remit any amount in excess of the limitations set forth in subsection (a) to the Registrar of Voters for deposit in the Campaign Reform Fund, or return such amount to the donor, no later than the next date on which the candidate is required to file, or does file, a State or County campaign statement.

c. For purposes of this section, and section 2.115.450, two or more entities shall be treated as one person when any of the following circumstances apply:

1. the entities share the majority of members of their governing board;
2. the entities share two or more officers;
3. the entities are owned or controlled by the same majority shareholder or shareholders; or
4. the entities are in a parent-subsidiary relationship.

d. For purposes of this section, and section 2.115.450, an individual and any general partnership in which the individual is a general partner, or an individual and any corporation in which the individual owns a controlling interest, shall be treated as one person.

e. Notwithstanding the provisions of subsections (c) and (d) hereof, a candidate shall not be deemed to be in violation of this section if he or she accepts a contribution from a person that was made to such candidate in violation of subsections (c) and (d). It is the intent of this section to make contributors, and not candidates, liable for violations of this section occurring as a result of the applicability of subsections (c) and (d) to a contribution. (SCC 683 § 1, 1987; SCC 672 § 1, 1986.)

#### **2.115.310 Contribution Limitations by Organizations.**

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a. An organization shall not make to any candidate, and no candidate shall accept from any organization, a contribution or contributions totaling more than \$250 in any single off-election year or \$1,000 in any of the following periods:

1. In any primary election period;
2. In any general election period;
3. In any special election period; or
4. In any special runoff election period.

b. To the extent that a candidate receives a contribution in excess of the limits imposed in subsection (a), such candidate shall remit any amount in excess of the limitations set forth in subsection (a) to the Registrar of Voters for deposit in the Campaign Reform Fund, or return such amount to the donor, no later than the next date on which the candidate is required to file, or does file, a State or County campaign statement.

c. A candidate shall not be deemed to be in violation of this section if he or she accepts a contribution that exceeds the contribution limitations for persons set forth in Section 2.115.300, but conforms to the contribution limitation for organizations set forth in this section, from an entity that does not constitute an organization within the meaning of Section 2.115.255. It is the intent of this section to make the entity and the individuals or persons making up the entity, and not the candidate, liable for violations of this section occurring as a result of an entity not constituting an organization making a contribution in excess of the limitations set forth in Section 2.115.300. (SCC 683 § 1, 1987; SCC 672 § 1, 1986.)

#### **2.115.315 Written Solicitations by Candidates.**

Any candidate making a written solicitation for a contribution for his or her campaign for County elective office shall include the following written warning in no less than ten point type on each such solicitation:

#### **"WARNING**

Chapter 2.115 of the Sacramento County Code regulates contributions to campaigns for County elective office. Before making a contribution to my campaign, please read Chapter 2.115, and in particular sections 2.115.255, 2.115.260, 2.115.300 and 2.115.310, to determine if your contribution complies with Chapter 2.115."

(SCC 683 § 1, 1987.)

#### **2.115.320 Aggregate Contribution Limitations.**

a. No candidate shall accept contributions totaling more than \$20,000 in any single off-election year. The intent of this section is to impose an absolute limit of \$20,000 on the total amount of contributions from all sources received by any incumbent or candidate in any single off-election year, even if no single contribution exceeds the contribution limits set forth in Sections 2.115.300 and 2.115.310. (b) To the extent that a candidate receives contributions in any single off-election year in excess of the limit imposed by subsection (a), such candidate shall remit any amount in excess of the limitation set forth in subsection (a) to the Registrar of Voters for deposit in the Campaign Reform Fund, or to return such amount to the donor, no later than the next date on which the candidate is required to file, or does file, a State or County campaign statement. (SCC 0839 § 1, 1991; SCC 683 § 1, 1987; SCC 672 § 1, 1986.)

#### **2.115.325 Statement of Intention.**

Prior to the solicitation or acceptance of any contribution or loan for a campaign for County elective office, an individual who intends to be a candidate for County elective office shall file with the Registrar of Voters a statement of intention to be a candidate for County elective office. (SCC 0839 § 2, 1991.)

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**2.115.330 Returned Contributions.**

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A contribution shall not be considered to be received if it is not negotiated, deposited, or utilized, and, in addition, it is returned to the donor within fourteen (14) days of receipt. (SCC 683 § 1, 1987; SCC 672 § 1, 1986.)

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**2.115.340 Receipt of Contribution.**

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A contribution shall be considered to have been received when it is physically received by a candidate. (SCC 683 § 1, 1987; SCC 672 § 1, 1986.)

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**2.115.350 Contributions or Expenditures at Behest of Candidate.**

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A contribution, for purposes of this Article, shall include all non-monetary contributions provided, or expenditures made, at the request of, with the approval of, or at the behest of a candidate. (SCC 683 § 1, 1987; SCC 672 § 1, 1986.)

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**2.115.360 Loans.**

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a. Except as provided in subsection (b) a loan shall be considered a contribution. If the loan is not secured or guaranteed, it shall be considered a contribution from the maker and shall be subject to the contribution limits of this chapter. If the loan is secured or guaranteed, it shall be considered a contribution from the lender and guarantor, or person whose property secures the loan, and shall be subject to the contribution limitations of this article.

b. A loan made to a candidate by a commercial lending institution in the regular course of business on the same terms available to members of the public which is personally guaranteed by the candidate, or the candidate's spouse, or is secured by property owned by the candidate or the candidate's spouse, shall not be subject to the contribution limits of this article.

c. The complete terms and conditions of every loan to a candidate shall be contained in a written agreement which shall be filed with the candidate's County campaign statement on which the loan is first reported. (SCC 683 § 1, 1986; SCC 672 § 1, 1986.)

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**2.115.370 Contributions by Spouses and Children.**

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a. Contributions by a husband and wife shall be treated as separate contributions and shall not be aggregated.

b. Contributions by dependent children shall be treated as contributions by their parents and attributed proportionately to each parent (one-half to each parent or the total amount to a single custodial parent). (SCC 683 § 1, 1987; SCC 672 § 1, 1986.)

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**2.115.380 Contributions by Spouse or Children of Candidate.**

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- a. Contributions to a candidate by his or her spouse shall not be subject to the contribution limits of this article.
- b. Contributions to a candidate by his or her children, or any other family members, shall be subject to the contribution limits of this article. (SCC 683 § 1, 1987; SCC 672 § 1, 1986.)

#### **2.115.390 Contributions for Non-County Elective Office.**

- a. The contribution limitations set forth in this article apply only to campaigns for County elective office, and not to campaigns for other elective offices which a candidate for County elective office has sought or may seek in the future.
- b. If a candidate receives a contribution for a purpose other than his or her campaign for County elective office, the candidate shall file a written statement with the Registrar of Voters describing the purposes for which the contribution was accepted. Such statement shall be filed no later than the next date on which the candidate is required to file, or does file, a State or County campaign statement.
- c. Any written solicitation by a candidate for a contribution to the candidate for a purpose other than his or her campaign for County elective office shall specify in writing within such solicitation that the contribution being solicited is for a purpose other than the candidate's campaign for County elective office and the purpose(s) for which such contribution may be utilized. Such disclosure shall be on the solicitation in no less than ten point type. (SCC 683 § 1, 1987.)

#### **Article 4 Expenditure Limitations**

#### **2.115.400 Expenditure Limitations.**

- a. No candidate who files a statement of acceptance of financing from the Campaign Reform Fund, and whose statement is not rescinded pursuant to Section 2.115.500, shall make campaign expenditures in excess of the following amounts:
  1. \$75,000 in a primary or special election period; and
  2. \$75,000 in a general or special runoff election period.
- b. Although only candidates who have filed a statement of acceptance of financing are subject to the expenditure limitations set forth in subsection (a), it is the intent of this section that such expenditure limitations apply to all candidates for the following purposes:
  1. For purposes of determining when otherwise applicable expenditure limitations no longer apply to candidates who have filed a statement of acceptance; and
  2. For purposes of determining when a candidate must provide the notification required by Section 2.115.430. (SCC 683 § 1, 1987; SCC 672 § 1, 1986.)

#### **2.115.410 Payments Made Prior to Use of Goods of Services.**

In the event campaign expenditures are made but the goods or services are not used during an election period in which they were purchased, the campaign expenditures shall be considered campaign expenditures for the election period when they are used. Campaign expenditures for goods or services used in more than one election period shall be prorated based on the number of days in each period that they were used. (SCC 683 § 1, 1987; SCC 672 § 1, 1986.)

**2.115.420 Expenditures in Excess of Limitations.**

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a. If a candidate who has filed a statement of rejection makes campaign expenditures in excess of the expenditure limitations set forth in Section 2.115.400, such expenditure limitations shall cease to be applicable to all other candidates but only upon the occurrence of one of the following:

1. Receipt of notice by a candidate transmitted pursuant to Section 2.115.430 notifying the candidate that an opponent who has filed a statement of rejection has exceeded the expenditure limitations set forth in section 2.115.400;
2. Receipt of a judicial ruling to the effect that a candidate is free of the expenditure limitations set forth in Section 2.115.400 since a candidate who has filed a statement of rejection has exceeded such limitations; or
3. If any State or County campaign statement filed by the candidate discloses on its face that the candidate has exceeded such limitations.

b. It is the intent of this section to prohibit candidates from unilaterally determining that an opponent has exceeded otherwise applicable expenditure limitations and then proceeding themselves to violate such expenditure limitations. A candidate who files a statement of acceptance may only exceed the expenditure limitations set forth in Section 2.115.400 if he or she receives notification pursuant to Section 2.115.430, receives judicial authorization to exceed such limitations, or a State or County campaign statement discloses such over-expenditure on its face. It is the further intent of this section not to impose a duty on the Registrar of Voters or any other County official to make a determination during an election of whether or not a candidate has exceeded the expenditure limitations set forth in Section 2.115.400 for purposes of relieving other candidates of otherwise applicable expenditure limitations. It is the further intent of this section not to authorize candidates who are eligible for funding from the Campaign Reform Fund to exceed otherwise applicable expenditure limitations if another candidate bound by such expenditure limitations exceeds the expenditure limitations set forth in Section 2.115.400.

c. Any candidate who obtains a judicial ruling that he or she is free of the expenditure limitations set forth in Section 2.115.400 shall file an endorsed copy of such ruling with the Registrar of Voters within twenty-four (24) hours of its issuance by the court. (SCC 683 § 1, 1987; SCC 672 § 1, 1986.)

**2.115.430 Notification by Telegram.**

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Any candidate who exceeds the expenditure limitations set forth in section 2.115.400 shall notify all opposing candidates and the Registrar of Voters of such overexpenditure by mailgram, telegram, guaranteed overnight mail through the United States Postal Service or equivalent private delivery service, or personal delivery within twenty-four (24) hours of such overexpenditure. (SCC 683 § 1, 1987; SCC 672 § 1, 1986.)

**2.115.440 Expenditures for Non-County Elective Office.**

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The expenditure limitations set forth in this article apply only to campaigns for County elective office, and not to campaigns for other elective offices which a candidate for County elective office has sought or may seek in the future. Any expenditure made by a committee controlled by a candidate for County elective office shall be presumed to be a campaign expenditure for County elective office unless the candidate files a written statement with the Registrar of Voters declaring that the expenditure was made in connection with a non-County elective office which office shall be specifically identified in the written statement. (SCC 683 § 1, 1987; SCC 672 § 1, 1986.)

**2.115.450 Independent Expenditures.**

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a. Independent expenditures shall not be made by any person or organization in support of or in opposition to a candidate for County elective office if that expenditure is made at the behest of, or with the consent of, or with the encouragement of, any candidate.

b. Any person or organization who makes independent expenditures of more than five thousand dollars (\$5,000.00) in support of or opposition to any candidate for County elective office shall notify the Registrar of Voters and all other candidates of such expenditure or expenditures by mailgram, telegram, guaranteed overnight mail through the United States Postal Service or equivalent private delivery service, or personal delivery within twenty-four (24) hours. Such notification shall be made each time this threshold of five thousand dollars (\$5,000.00) is met. (SCC 683 § 1, 1987; SCC 672 § 1, 1986.)

#### **2.115.460 Extensions of Credit.**

a. Extensions of credit to a candidate for a period of more than sixty (60) days, or for an amount in excess of \$250, are prohibited.

b. Extensions of credit to a candidate shall be considered campaign expenditures for purposes of this article as of the time the extension of credit is granted. (SCC 683 § 1, 1987; SCC 672 § 1, 1986.)

#### **2.115.470 Contingency Fee Arrangements.**

Contingency fee arrangements based on the outcome of an election between candidates and individuals retained to provide goods or services during the course of a campaign shall be limited to two hundred fifty dollars (\$250). Contingency fee arrangements of more than two hundred fifty dollars (\$250) are prohibited. (SCC 683 § 1, 1987; SCC 672 § 1, 1986.)

### **Article 5 Campaign Reform Fund**

#### **2.115.500 Statement of Acceptance or Rejection.**

a. Each candidate, at the time of filing his or her Declaration of Candidacy, shall file one of the following statements:

1. A statement of acceptance of financing from the Campaign Reform Fund; or
2. A statement of rejection of financing from the Campaign Reform Fund.

b. If a candidate files a statement of rejection of financing, any opposing candidate who has filed a statement of acceptance of financing may rescind such statement and file a statement of rejection within ten (10) days of the last date for filing a Declaration of Candidacy.

c. Except as provided for in subsection (b), a candidate who files one of the statements provided for in subsection (a) hereof may not change that decision. (SCC 683 § 1, 1987; SCC 672 § 1, 1986.)

#### **2.115.510 County Campaign Statement.**

All candidates shall file a County campaign statement with the Registrar of Voters on the same date that the candidate files his or her Declaration of Candidacy. The County campaign statement required by this section shall include all required information for the election year up through five (5) days before the date on which the candidate files his or her Declaration of Candidacy. (SCC 683 § 1, 1987; SCC 672 § 1, 1986.)

#### **2.115.520 Notification by Candidates.**

Any candidate who raises, spends or has cash on hand of \$10,000 or more shall notify the Registrar of Voters of such fact by mailgram, telegram, guaranteed overnight mail through the United States Postal Service or equivalent private delivery service, or personal delivery within twenty-four (24) hours. The Registrar of Voters shall mail notification of such fact to all opposing candidates, as defined in Government Code Section 82007, within two (2) working days. (SCC 683 § 1, 1987; SCC 672 § 1, 1986.)

#### **2.115.530 Qualification for Matching Funds.**

a. A candidate shall qualify to receive payments from the Campaign Reform Fund for a primary or special election only if he or she meets all of the following requirements:

1. The candidate has filed a statement of acceptance of financing and has not rescinded such statement;
2. The candidate has raised, after January 1 of the election year, or during a special election period, at least \$10,000 consisting of contributions totaling \$250 or less per source from sources other than themselves, their spouses or their dependent children; and
3. The candidate is opposed by a candidate who has qualified for payments from the Campaign Reform Fund or who has raised, spent or has cash on hand of \$10,000 or more.

b. All candidates in a general or special runoff election who have filed a statement of acceptance of financing, and have not rescinded such statement, shall qualify to receive payments from the Campaign Reform Fund.

c. For purposes of determining whether a candidate has raised at least \$10,000 as required by subsection (a)(2) of this section, it is the intent of this section to consider the first \$250 of any contribution that exceeds \$250. (SCC 683 § 1, 1987; SCC 672 § 1, 1986.)

#### **2.115.540 Formula for Payment of County Funds.**

A candidate who is eligible to receive payments from the Campaign Reform Fund shall receive payments on the basis of the following formula:

For a contribution or contributions totaling \$250 or less from a single source that is received after January 1 of an election year, or during a special election or special runoff election period, a matching ratio of one dollar (\$1.00) from the Campaign Reform Fund for each dollar received up to a maximum County match of \$37,500 per election period per candidate. It is the intent of this section to provide a County match of \$250 even though the total contribution or contributions from a single source exceeds \$250. (SCC 683 § 1, 1987; SCC 672 § 1, 1986.)

#### **2.115.545 Recordkeeping and Reporting Requirements for Contributions of Less Than \$100.**

a. In order for a contribution of less than \$100 but more than \$50 to be eligible for a match from the Campaign Reform Fund, a candidate must provide the following information on the County campaign statement filed in support of the request to match contribution; the name and address of the donor or intermediary, the amount, and the date of each such contribution. This reporting requirement shall also apply to any contribution of \$50 or less for which matching funds are requested where the cumulative contributions from the donor or intermediary total more than \$50 in any election period.

b. With respect to any contribution of \$50 or less for which a candidate requests matching funds from the Campaign Reform Fund, the candidate shall maintain, and shall make available to the Registrar of Voters or Auditor-Controller upon request, a record of the name and address of the donor or intermediary, the amount, and

the date of each such contribution. (SCC 683 § 1, 1987.)

### **2.115.550 Contributions by Candidate, Spouse or Dependent Children.**

Contributions by a candidate, a candidate's spouse, or a candidate's dependent children shall not be considered a contribution for purposes of receiving payments from the Campaign Reform Fund pursuant to Section 2.115.540. (SCC 683 § 1, 1987; SCC 672 § 1, 1986.)

### **2.115.560 Loans, Pledges and Non-Monetary Contributions.**

For purposes of Sections 2.115.530 and 2.115.540, a loan, a pledge or a non-monetary contribution shall not be considered a contribution. (SCC 683 § 1, 1987; SCC 672 § 1, 1986.)

### **2.115.570 Procedure for Payment of County Funds.**

- a. Payments from the Campaign Reform Fund shall be made by the Auditor-Controller on the 15th and 30th of each month, following the last day for filing Declarations of Candidacy if no candidate files a statement of rejection of financing pursuant to Section 2.115.500. If a candidate files a statement of rejection, payments from the Campaign Reform Fund shall be made by the Auditor-Controller on the 15th and 30th of each month, following the last day for rescinding a statement of acceptance pursuant to subsection (b) of Section 2.115.500.
- b. After the 25th of the last month before an election through the day of an election, each candidate shall be limited to one request for payment from the Campaign Reform Fund which payment shall be made by the Auditor-Controller within five (5) working days of receipt of the request by the Registrar of Voters. Such request shall be submitted on or before the date of the election. After the date of an election, each candidate shall be limited to one final request for payment from the Campaign Reform Fund. Such request shall be submitted within thirty (30) days after the date of the election and payment shall be made by the Auditor-Controller within five (5) working days. Requests for payment received by the Registrar of Voters more than thirty (30) days after the date of the election shall not be eligible for payment from the Campaign Reform Fund.
- c. In order to receive a payment from the Campaign Reform Fund on the 15th or 30th of a month, a candidate shall file a County campaign statement with the Registrar of Voters on the 10th or 25th, respectively, of each such month. In order to qualify for payment after the 25th of the last month before an election, or within thirty (30) days after the date of the election, the candidate must file a County campaign statement at the same time he or she files a request for payment.
- d. The County campaign statements required by this section shall be current through two (2) calendar days before they are filed.
- e. If the Auditor-Controller is required to make a payment to a candidate on a day on which County offices are closed, payment shall be made on the next working day. (SCC 683 § 1, 1987; SCC 672 § 1, 1986.)

### **2.115.580 Withholding County Funds.**

- a. If a candidate is eligible to receive funds from the Campaign Reform Fund pursuant to Section 2.115.530 and 2.115.540, the fact that the candidate is, or is alleged to be, in violation of another provision of this chapter shall not constitute grounds for withholding or denying such funds to the candidate except as provided in subsection (b) of this section.
- b. Candidates who are eligible to receive funds from the Campaign Reform Fund, and whose State or County campaign statement discloses on its face that such candidate has exceeded the expenditure limitations set

forth in Section 2.115.400, shall not be eligible for any further funds from the Campaign Reform Fund unless such expenditure took place after otherwise applicable expenditure limitations were waived for the candidate pursuant to Section 2.115.420. (SCC 683 § 1, 1987; SCC 672 § 1, 1986.)

#### **2.115.590 Segregation of Campaign Funds.**

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- a. A candidate who has been or is a candidate for a non-County elective office shall maintain a separate and distinct campaign fund for the non-County elective office.
- b. A candidate may not transfer money from a campaign fund for a non-County elective office into a campaign fund for County elective office, or vice versa.
- c. Campaign expenditures for a County elective office shall only be made from the campaign fund for the County elective office. Campaign expenditures for a non-County elective office shall not be made from a campaign fund for a County elective office.
- d. A contribution shall be considered a contribution to the campaign for elective office in which campaign fund the contribution is first deposited. (SCC 683 § 1, 1987; SCC 672 § 1, 1986.)

#### **Article 6 Public Funds**

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#### **2.115.600 Campaign Reform Fund.**

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There is hereby established in the Annual County Budget a Campaign Reform Budget Unit to be administered by the Registrar of Voters pursuant to the provisions of this chapter. (SCC 683 § 1, 1987; SCC 672 § 1, 1986.)

#### **2.115.610 Appropriation.**

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- a. During any Fiscal Year which contains either a General Election Period or Primary Election Period, the Board of Supervisors shall, in its final budget, appropriate from the General Fund the sum of one dollar (\$1.00) for each one dollar (\$1.00) estimated by the Administration and Finance Agency to be paid to candidates and the sum estimated by the Administration and Finance Agency necessary to make all other payments authorized by the provisions of this chapter. In the event that insufficient funds were appropriated in the Final Budget to pay said sums, the Board of Supervisors shall, upon the request of the Registrar of Voters, transfer sufficient moneys from the Appropriation For Contingencies to the Campaign Reform Budget Unit to make all payments authorized by the provisions of this chapter.
- b. In the event that a special election or special runoff election is held for a County elective office and there are not sufficient funds in the Campaign Reform Budget Unit to pay the sum of one dollar (\$1.00) for each one dollar (\$1.00) paid to a candidate from the Campaign Reform Budget Unit, and all other expenses authorized for payment from the Campaign Reform Budget Unit pursuant to the provisions of this chapter, the Board of Supervisors shall, upon the request of the Registrar of Voters, transfer sufficient moneys from the Appropriation for Contingencies to the Campaign Reform Budget Unit to make all payments authorized by the provisions of this chapter. (SCC 683 § 1, 1987; SCC 672 § 1, 1986.)

#### **2.115.620 Administrative Expenses.**

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All administrative expenses incurred by the Registrar of Voters and Auditor-Controller, including, but not limited to, salaries, benefits, supplies and overhead, shall be charged to, and paid from, the Campaign Reform Budget Unit. (SCC 683 § 1, 1987; SCC 672 § 1, 1986.)

**2.115.630 Report by Registrar of Voters.**

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a. During an election year, the Registrar of Voters shall advise the Board of Supervisors and each candidate on the fifth (5th) of each month following a month in which payments were made from the Campaign Reform Fund of the following:

1. The candidates who received funds from the Campaign Reform Fund;
2. The amount received by each candidate from the Campaign Reform Fund; and
3. The cumulative amounts received by each candidate from the Campaign Reform Fund.

b. Within four (4) months following each final election in which funds are provided from the Campaign Reform Fund, the Registrar of Voters shall submit a final report to the Board of Supervisors reporting the amount of funds paid to each candidate from the Campaign Reform Fund. (SCC 683 § 1, 1987; SCC 672 § 1, 1986.)

**2.115.640 Separate Campaign Funds.**

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a. A candidate shall have no more than one campaign committee.

b. Each candidate accepting funds from the Campaign Reform Fund shall establish two checking accounts out of which all campaign expenditures shall be made. All money provided to a candidate from the Campaign Reform Fund shall be deposited in and strictly segregated in one checking account which shall be designated the "public account." All campaign contributions and other funds shall be deposited in a second checking account which shall be designated the "private account."

c. A candidate shall only expend funds from the public account on direct campaign expenditures. Funds from the private account may be expended on direct or indirect campaign expenditures. (SCC 683 § 1, 1987; SCC 672 § 1, 1986.)

**2.115.650 Surplus Funds.**

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All surplus funds, including funds in both the public account and the private account, remaining after all obligations are met by a candidate shall be returned to the Campaign Reform Fund, not to exceed the amount paid to the candidate from the Campaign Reform Fund, as follows:

a. In the case of a primary or special election where one candidate does not receive a majority of the votes cast, all candidates, except those two candidates who will appear on the ballot in a run-off election, must return surplus funds within ninety (90) days after the primary or special election.

b. In the case of a primary or special election where one candidate does receive a majority of the votes cast, and in general and special runoff elections, all candidates must return surplus funds within ninety (90) days after the election. (SCC 683 § 1, 1987.)

**Article 7 Campaign Statements and Audits**

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**2.115.700 Contents of County Campaign Statements.**

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a. All County campaign statements required to be filed with the Registrar of Voters pursuant to this chapter shall contain the following information:

1. The information required by Government Code Section 84211 and any administrative regulations adopted pursuant thereto; and

2. Any information required by the Registrar of Voters.

b. All County campaign statements required to be filed with the Registrar of Voters pursuant to this chapter shall be on a form prescribed by the Registrar of Voters. (SCC 683 § 1, 1987; SCC 672 § 1, 1986.)

### **2.115.710 Final Campaign Statement.**

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a. Within ninety (90) days after an election for County elective office, each candidate shall file a County campaign statement with the Registrar of Voters itemizing all campaign contributions to the candidate, all campaign expenditures by the candidate and any surplus funds. The County campaign statement required by this section shall include all required information current up through five (5) calendar days before the date of filing. (SCC 683 § 1, 1987; SCC 672 § 1, 1986.)

### **2.115.720 Duties of Treasurers and Candidates.**

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a. All County campaign statements filed under this chapter shall be signed under penalty of perjury and verified by both the candidate and the campaign treasurer. The verification shall state that the candidate and the campaign treasurer have used all reasonable diligence in its preparation, and that to the best of their knowledge it is true and complete.

b. A campaign treasurer to comply with his or her duties with respect to the preparation of County campaign statements shall:

1. Establish a system of record keeping sufficient to ensure that receipts and expenditures are recorded promptly and accurately;

2. Either maintain the records personally or monitor such record keeping by others;

3. Take steps to ensure that all requirements of this chapter concerning the receipt and expenditure of funds and the reporting of such funds are complied with;

4. Either prepare County campaign statements personally or review with care the County campaign statements and underlying records prepared by others;

5. Correct any inaccuracies or omissions in County campaign statements of which the treasurer knows, and cause to be checked, and, if necessary, corrected, any information in County campaign statements which a person of reasonable prudence would question based on all the surrounding circumstances of which the treasurer is aware or should be aware by reason of his or her duties under this chapter.

c. A candidate to comply with his or her duties with respect to the preparation of County campaign statements shall:

1. Ascertain whether the treasurer is exercising all reasonable diligence in the performance of his or her duties including those duties specified under subsection (b);

2. Take whatever steps are necessary to replace the treasurer, or raise the treasurer's performance to required standards, if the candidate knows or has reason to know that the treasurer is not exercising all reasonable diligence in the performance of his or her duties;

3. Review with care the County campaign statements prepared for filing by the treasurer;

4. Correct any inaccuracies and omissions in campaign statements of which the candidate knows, and cause to be checked, and, if necessary, corrected, any information in County campaign statements which a person of reasonable prudence would question based on all the surrounding circumstances of which the candidate is aware or should be aware by reason of his or her duties under this chapter; and

5. Perform with due care any other tasks assumed in connection with the raising, spending or recording of

campaign funds insofar as such tasks relate to the accuracy of information entered on County campaign statements. (SCC 683 § 1, 1987; SCC 672 § 1, 1986.)

### **2.115.730 Duties of Registrar of Voters with Respect to Campaign Statements.**

a. It shall be the duty of the Registrar of Voters to determine whether required County campaign statements have been filed. In order to fulfill this duty, if the Registrar of Voters is aware that a candidate has an obligation to file a County campaign statement and has failed to do so, the Registrar of Voters shall notify the candidate of the obligation to file a County campaign statement. In determining whether required documents have been filed, the Registrar of Voters shall not be required to conduct any investigation to determine whether or not a candidate has an obligation to file a County campaign statement.

b. It shall be the duty of the Registrar of Voters to determine whether County campaign statements filed conform on their face with the requirements of this chapter.

1. The Registrar of Voters, in determining whether County campaign statements conform on their face with the requirements of this chapter, shall not be required to seek or obtain information to verify entries on a County campaign statement.

2. The Registrar of Voters, in determining whether County campaign statements conform on their face with the requirements of this chapter, shall review:

A. All statements to ensure that they contain the full name, residential and business addresses and phone number of the candidate and the campaign treasurer.

B. All statements to ensure that they have been signed, dated and verified by the candidate and the campaign treasurer.

C. All statements to ensure that they are legible, are printed in ink or typewritten, and that reasonable reproductions can be made.

D. All statements to ensure that beginning and closing dates for the statement which are prescribed by law are accurate.

E. All statements to ensure that the following information is contained in the statement.

1. The total amount of contributions received during the period and the cumulative total amount of contributions.

2. The total amount of campaign expenditures made during the period and the cumulative total amount of campaign expenditures.

3. The total amount of contributions received from persons who have given \$100 or more.

4. The total amount of contributions received from persons who have given less than \$100.

5. The total amount of campaign expenditures of \$100 or more.

6. The total amount of campaign expenditures under \$100.

7. The total amount of accrued expenses of \$100 or more.

8. The total amount of accrued expenses of less than \$100.

9. The balance of cash and cash equivalents on hand at the beginning and end of the period.

10. For each person listed as contributor or lender of a cumulative amount of \$100 or more, the complete name, address, occupation and employer, if any (or name of business if described as self-employed), cumulative amount contributed, date and amount of contribution, and if the contribution is a loan, the written agreement required by Section 2.115.360.

11. For each recipient committee listed as a contributor or lender of a cumulative amount of \$100 or more, in addition to the information specified in subsection 10 above, the identification number assigned to the committee by the Secretary of State or the full name and address of the treasurer of the committee.

12. The following information must be provided for campaign expenditures of \$100 or more during the period: the complete name of the payee, the address, the amount of each expenditure, a brief description of the consideration for which the campaign expenditure was made and, if the statement indicates a person other than the payee provided the consideration, the complete name and address of the person providing the consideration.

13. The following information must be provided for accrued expenses of \$100 or more during the period: the complete name of the payee, the address, the amount of each expenditure, a brief description of the consideration for which the campaign expenditure was made and, if the statement indicates a person other than the payee provided the consideration, the complete name and address of the person providing the consideration.

14. For each committee listed as a recipient of a campaign expenditure of \$100 or more, in addition to the information specified in subsection 10 above, the identification number assigned to the committee by the Secretary of State or the full name and address of the treasurer of the committee.

15. The information required by subsection (a) of Section 2.115.545.

F. All statements to ensure that there are no gross or readily apparent errors in arithmetic calculations.

c. It shall be the duty of the Registrar of Voters to accept for filing any County campaign statement which this chapter requires to be filed. In those cases where the Registrar of Voters discovers in his or her review of County campaign statements that a candidate has filed an incorrect, incomplete or illegible statement, or a statement which cannot be reproduced, he or she shall promptly notify the candidate of the error or omission. However, no notification is required in those cases in which the errors or omissions are minor ones which do not recur throughout the statement. An error or omission in connection with the identification of a donor or intermediary is minor if such person is identified by name and either street address, occupation, employer or principal place of business. An error or omission in connection with the identification of the recipient of an expenditure or person providing consideration for an expenditure is minor if such person is identified by name.

d. Notwithstanding the provisions relating to minor errors or omissions set forth in subsection (c), a contribution of \$100 or more shall not qualify for purposes of receiving funds from the Campaign Reform Fund pursuant to Section 2.115.540 unless the candidate's County campaign statement includes the following information with respect to each such contribution: the complete name, address, occupation, and employer, if any, (or name of business if self-employed), of the donor or intermediary. (SCC 683 § 1, 1987; SCC 672 § 1, 1986.)

### **2.115.740 Audits.**

a. The Auditor-Controller may make, or have made, investigations or audits with respect to any County campaign statements required by this chapter, or any campaign accounts for either County or non-County elective office maintained by any candidate, at any time between the last day for filing a Declaration of Candidacy for a County elective office and one year following the date of the election in which a candidate is elected to that County elective office.

b. Each candidate who receives money from the Campaign Reform Fund shall be subject to audit on a random basis with these candidates having a fifty percent (50%) chance of being audited.

c. Any candidate whose campaign statements are subject to an investigation or audit by the Auditor-Controller shall provide the Auditor-Controller with all financial records, documents and any other information or material requested by the Auditor-Controller. (SCC 683 § 1, 1987.)



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**Article 8 Enforcement**

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**2.115.800 Criminal Sanctions.**

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Any person who knowingly or willfully violates any provision of this chapter is guilty of a misdemeanor. (SCC 683 § 1, 1987; SCC 672 § 1, 1986.)

**2.115.810 Injunctive Relief.**

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Any candidate or other resident of the County may bring an action, at any time during an off-election year, an election year or thereafter, in a court of competent jurisdiction to enjoin actual or threatened violations of, or to compel compliance with, or to obtain judicial declarations regarding, the provisions of this chapter. (SCC 683 § 1, 1987; SCC 672 § 1, 1986.)

**2.115.820 Civil Liability.**

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a. The Board of Supervisors may maintain on behalf of the County, or a candidate or other resident of the County may maintain on their own behalf, a civil action to recover personally from a candidate any contributions received by the candidate in excess of the contribution limitations established by this chapter, any contributions which a candidate fails or refuses to remit to the Registrar of Voters or return to the donor pursuant to Sections 2.115.300, 2.115.310 or 2.115.320, any campaign expenditures made in excess of the expenditure limitations established by this chapter, and any funds received by the candidate from the Campaign Reform Fund in violation of any provision of this chapter.

b. Any money recovered in any action maintained pursuant to this section shall be deposited in the Campaign Reform Fund.

c. The Board of Supervisors may maintain an action pursuant to this section only after the election in which a candidate is elected to the County elective office for which the election is held. A candidate or other County resident may maintain an action pursuant to this section at any time during an off-election year, election year or thereafter. (SCC 683 § 1, 1987; SCC 672 § 1, 1986.)

**2.115.830 Intent.**

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It is the intent of this Article to prohibit civil enforcement of this chapter by the County until such time as an election is over and a candidate has been elected. It is the further intent of this Article not to authorize the County to file actions for injunctive or declaratory relief. (SCC 683 § 1, 1987; SCC 672 § 1, 1986.)